

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOHN SABATINI,

Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Defendant.

CHARLES MOSER,

Plaintiff,

v.

DEVIN BALLARD, et al.,

Defendants.

No. 2:17-cv-01012-JAD-NJK

ORDER

Case No. 2:17-cv-01704-APG-PAL

(Mot Consolidate – ECF No. 8)

Before the court is Plaintiff Charles Moser’s Motion to Consolidate with Case No. 2:17-cv-01012-JAD-NJK (ECF No. 8) filed June 26, 2017.

The motion asserts Case No. 2:17-cv-01012-JAD-NJK (“1012”) and Case No. 2:17-cv-01704-APG-PAL (“1704”) both involve Las Vegas Metropolitan Police Department’s (“LVMPD”) social media policy. Plaintiffs allege that LVMPD fired Sabattini, a corrections officer, and disciplined Moser, a SWAT officer, for comments they made on social media. Both assert the LVMPD policy is unconstitutionally vague and infringes on Plaintiffs’ First Amendment rights.

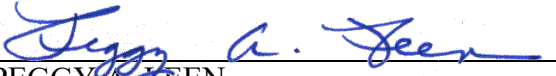
The motion to consolidate was only filed in this case. Defendants filed an answer (ECF No 10) on July 11, 2017, but have not responded to the motion to consolidate which was served by mail before the amended complaint was filed and before answer was due. LR 42-1(b) requires

1 a motion to consolidate to be filed and served “in each of the pending lawsuits the party seeks to
2 have consolidated.” The LR provides that “[t]he motion to consolidate will be decided by the
3 judge to whom the earliest filed action is assigned.” *Id.* Accordingly,

4 **IT IS ORDERED** that:

- 5 1. Plaintiffs shall have until July 28, 2017 to file to file and serve a motion to consolidate
6 in Case no 2:17-cv-01012 JAD-NJK.
- 7 2. Defendants shall have 14 days from service of the motion to consolidate to file a
8 response.

9 DATED this 21st day of July, 2017.

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12 PEGGY A. LEEN
13 UNITED STATES MAGISTRATE JUDGE
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